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6 UNITED STATES DISTRICT COURT

7 FOR THE NORTHERN DISTRICT OF CALIFORNIA

8 OAKLAND DIVISION

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10 TYRONE L. ADAMS,

11 Plaintiff,

12 vs.

13 CHARLES L. EASLEY, et al.,

14 Defendant.

Case No: C 11-1219 SBA

ORDER

Docket 18, 19

15

16 On March 11, 2011, Plaintiff, pro se, filed the instant action. Dkt. 1. Under Federal
17 Rule of Civil Procedure 4(m), Plaintiff had until July 11, 2011 to effectuate service on
18 defendants. On July 11, 2011, Plaintiff submitted two an ex parte applications, one
19 requesting that the Case Management Conference set for July 20, 2011 be continued and
20 one requesting an extension of time of an additional 120 days to serve defendants. Dkt. 18,
21 19. Plaintiff seeks additional time to effectuate service because of the difficulties
22 associated with servicing “over fifty” defendants. Dkt. 19.

23 Rule 4(m) states:

24 If service of the summons and complaint is not made on a
25 defendant within 120 days after the filing of the complaint, the
26 court, upon motion or on its own initiative after notice to the
27 plaintiff, shall dismiss the action without prejudice as to that
28 defendant or direct that service be effected within a specified
time; provided that if plaintiff shows good cause for the failure,
the court shall extend the time for service for an appropriate
period.

1 (Emphasis added). In light of Plaintiff's pro se status, the Court will grant Plaintiff's
2 request for an additional 120 days. However, Plaintiff is warned that no further extensions
3 of time will be granted.

4 Moreover, Plaintiff is advised by the Court that his amended complaint, filed July 1,
5 2011, is defective because it is devoid of allegations showing how each defendant violated
6 his rights. Plaintiff must "set forth specific facts as to each individual defendant's" role in
7 the actions about which he complains. See Leer v. Murphy, 844 F.2d 628, 634 (9th Cir.
8 1988) (stating that pro se prisoner was required to "set forth specific facts as to each
9 individual defendant's deliberate indifference" to establish that the individual defendant
10 was liable for an attack by a fellow prisoner). Plaintiff should amend his complaint to set
11 forth additional facts regarding each defendant's actions that he contends resulted in a
12 violation of his rights. Accordingly,

13 IT IS HEREBY ORDERED THAT:

14 1. To the extent that he is able to do so in good faith, as required by Federal
15 Rule of Civil Procedure 11, Plaintiff shall amend his complaint to allege specific facts of
16 the role that each defendant had in violating his rights. Plaintiff shall file his Second
17 Amended Complaint within thirty (30) days of the date of this Order. Failure to comply
18 with the deadline will result in dismissal of the action without prejudice.

19 2. Plaintiff shall effect service of the Second Amended Complaint on all
20 defendants named in this action within 120 days of the date this Order is filed. Upon
21 effectuating service, Plaintiff shall file a certificate of service with the Court forthwith.
22 Failure to serve defendants within the specified time-frame will result in the dismissal of
23 the action, without prejudice, in accordance with Rule 4(m).

24 3. The telephonic Case Management Conference currently scheduled for July
25 20, 2011 is CONTINUED to **October 12, 2011 at 2:45 p.m.** Prior to the date scheduled
26 for the conference, the parties shall meet and confer and prepare a joint Case Management
27 Conference Statement. The joint statement shall be filed no later than seven (7) days prior
28 to the conference and shall comply with the Standing Order for All Judges of the Northern

1 District of California and the Standing Order of this Court. Plaintiff shall be responsible for
2 filing the statement as well as for arranging the conference call. All parties shall be on the
3 line and shall call (510) 637-3559 at the above indicated date and time. Plaintiff are
4 warned that the failure to comply with this or any other court order or applicable procedural
5 rule may result in the imposition of sanctions, up to and including dismissal of the action
6 under Federal Rule of Civil Procedure 41(b).

7 4. Plaintiff shall serve a copy of this Order on defendants along with the
8 summons and complaint.

9 IT IS SO ORDERED.

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11 Dated: July 15, 2011

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SAUNDRA BROWN ARMSTRONG
United States District Judge

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2 UNITED STATES DISTRICT COURT
3 FOR THE
4 NORTHERN DISTRICT OF CALIFORNIA

5 TYRONE L ADAMS,

6 v.
7 Plaintiff,

8 CHARLES L EASLEY et al,

9 v.
10 Plaintiff,
11 Defendant.
12 _____ /

13 Case Number: CV11-01219 SBA

14 **CERTIFICATE OF SERVICE**

15 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
16 Court, Northern District of California.

17
18 That on July 18, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said
19 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing
20 said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
21 located in the Clerk's office.

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26
27 Tyrone L. Adams
28 P.O. Box 981044
West Sacramento
West Sacramento, CA 95798

Dated: July 18, 2011

Richard W. Wiking, Clerk

By: LISA R CLARK, Deputy Clerk